

Written Opinion of the Inter-
national Searching Authority

PCT/DE2004/001477

Appended Sheet

Re Point IV

The subject matter of Claim 1 is not based on an inventive activity (Article 33(3) PCT), see below. Claims 1 and 8 are therefore not connected by an inventive overall concept (Rule 13 PCT).

Re Point IV[sic;V]

V.1 Background Information

The following documents are referred to:

D1: DE 198 58 760 A
D2: EP-A-0 997 349
D3: EP-A-0 882 988
D4: US-A-5,793,005
D5: DE 44 10 794 A
D6: DE 196 26 083 A

V.2 Claims 1 through 7

1. The present Application does not satisfy the requirements of the PCT, because the subject matter of Claim 1 is not based on an inventive step (Article 33 (3) PCT).

D1 describes a

device for detecting side impacts having a pressure sensor(1) in a side part of a vehicle and a plausibility sensor (2), which is assigned to the housing of pressure sensor (1), cf. column 3, lines 38 through 44. This

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sensor is located at least in the vicinity of the housing of the pressure sensor, cf. page 1, lines 29 through 31 of the Application.

The use of a switch is for increasing certainty. However, it is already known that one may use such switches, especially acceleration switches, cf. D2, paragraphs 11 and 12 as well as switch 2. It would be obvious to one skilled in the art to use the switch known from D2 in D1.

Therefore, the subject matter of Claim 1 is not based on an inventive step. 2. Dependent Claims 3 through 5 and 7 do not include any features that, in combination with the features of any claim to which they relate, fulfill the requirements of the PCT with regard to inventive activity. A Hamlin switch (Claim 3) proceeds from D3. The devices of Claims 3 and 4 are known from D1 and D2. The coding together with the pressure signal is obvious.

3. The subject matter of Claims 2 and 6 cannot be inferred from the present related art. A new, independent claim, that includes one of these feature combinations, would therefore satisfy the requirements of the PCT with respect to novelty and inventive activity (Article 33(2, 3) PCT). In this context, one should consider that the features known in connection with each other from D1 should be taken up into the generic part of such a claim, so that it complies with this Rule 6.3(b) PCT.

Taking up the features of Claim 2 would overcome the problem of unity (see above). Both independent claims would then include the feature that the switch is situated in the housing of the pressure sensor.

V.3 Claim 8

The subject matter of Claim 8 is novel and is based on an inventive step pursuant to Article 33(2, 3) PCT.

A pressure sensor having a switch in its housing cannot be inferred from the present related art. A deformation switch (49) having an acceleration switch (48) is known from D4. D5 and D6 show a pressure sensor together with an acceleration sensor. The combination sensor/switch is not described.

One skilled in the art would not have a reason to provide a pressure sensor in D4 or a switch in D5 and D6.

V.4 Industrial Applicability

The subject matter of Claims 1 through 8 appears to satisfy the requirements of Article 33 (4) PCT, since it can at least be used in the automotive industry.

V.5 Comments

1. The two-part version of Claim 1 is not correct (Rule 6 PCT), since D1 already shows a plausibility sensor that is assigned to the housing of the pressure sensor.

2. In contradiction to the requirements of Rule 5.1 a) ii) PCT, neither the relevant related art disclosed in documents D1, D2, D4 and D5, nor these documents, are mentioned in the Specification.